

REMARKS

This Application has been carefully reviewed in light of the Office Action dated November 12, 2010 ("*Office Action*"). At the time of the *Office Action*, Claims 146-166, 168-172, 174-177, 179-221, 256-274, 276-279, 286-301, and 303-311 were pending. The Examiner rejects all pending claims. Applicants filed a pre-appeal brief request for review on February 11, 2011. Nevertheless, in order to advance prosecution, Applicants have amended Claims 146, 174, 177, 202, 256, and 286-289. Accordingly, Applicants respectfully request reconsideration and favorable action in this case.

I. Examiner Interview

Applicants, through its attorney, Mark J. Spolyar (Reg. No. 42,164) and Johnson K. Kuncheria, interviewed the above application with Examiner Dohm Chankong on February 24, 2011. Applicants thank the Examiner for his time and attention during the interview. Applicants and Examiner discussed the differences between the pending claims and the cited art. No agreement was reached.

II. Rejections under 35 U.S.C. § 103

A. The cited references do not teach or suggest "selectively providing network access . . . based on the received system identification information and the determined geographic location of the portable wireless computing device"

The Examiner rejects Claims 146-177, 179-190, 192-210, 212-221, 256-279, 285, and 287-301 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent 6,847,620 to Meier, et al. ("*Meier*") in view of U.S. Patent Application Publication No. 2002/0019875 to Garrett ("*Garrett*"), and further in view of U.S. Patent 7,197,556 to Short ("*Short*"). Claim 191 stands rejected under 35 U.S.C. 103(a) as allegedly unpatentable over *Meier*, *Garrett* and *Short*, as applied above, and further in view of IEEE Std 802.11-1997, ("*IEEE*"). Claim 211 stands rejected under 35 U.S.C. 103(a) as allegedly unpatentable over *Meier*, *Garrett* and *Short*, as applied above, and further in view of admitted prior art ("*APA*"). Claims 302-311 stand rejected under 35 U.S.C. 103(a) as allegedly unpatentable over *Meier*, *Garrett*, *Short*,

and in further view of U.S. Patent 6,677,894 to Sheynblat ("*Sheynblat*"). Applicants respectfully traverse and submit that the cited references, whether taken alone or in combination, fail to teach or suggest all claimed elements.

Consider Applicants' amended Claim 146, which recites:

A method for providing access to a network system, the method comprising:

a first access point coupled to the network receiving system identification information from a portable wireless computing device in a wireless manner, wherein the system identification information includes an identifier for a first virtual local area network (VLAN) from among a plurality of possible VLANs and wherein each of at least two of the plurality of possible VLANs is dedicated to a different respective network service provider from among a plurality of network service providers;

the first access point determining the first VLAN of the plurality of possible VLANs for the portable wireless computing device after receiving the system identification information;

the first access point determining a geographic location of the portable wireless computing device;

the first access point selectively providing network access to the portable wireless computing device based on the received system identification information and the determined geographic location of the portable wireless computing device, the network access provided using the determined first VLAN;

the first access point receiving data from the portable wireless computing device; and

the first access point providing the received data to a first network service provider based on one or more attributes of the determined first VLAN.

Among other aspects, the cited references do not teach or suggest, "the first access point selectively providing network access to the portable wireless computing device based on the received system identification information and the determined geographic location of the portable wireless computing device, the network access provided using the determined first VLAN," as Claim 146 recites. As teaching these claimed concepts, the *Office Action* points to column 6, lines 58-61 and column 9, lines 42-45 of *Short*. The cited portion, among other things, describes a "network system . . . grant[ing] network access to a specific location

(e.g. a hotel room, a specific apartment address, etc) **rather than a specific user or host residing at the location.**" *Short*, col. 6, ll. 58-61 (emphasis added). *Short* further discloses "configuration upon **initial installation** to accommodate location-based identification" by "configuring the gateway so that VLAN ID's are assigned to individual entities or ports (i.e. room numbers, apartment, units, etc.)" *Id.* at col. 9, ll. 38-45 (emphasis added). For example, "[a]dding a port-assignment to the gateway device database may involve assigning a port number, assigning a location to the port number and a conditional state for this port-location." *Id.* at col. 9, ll. 47-50.

While *Short* appears to disclose port-location mappings and granting access to specific ports which are tied to particular locations, *Short* does not teach or suggest, "the first access point selectively providing network access to the portable wireless computing device **based on the received system identification information and the determined geographic location of the portable wireless computing device,**" as required by the claim. In fact, *Short* teaches away from selectively providing network access based on (1) "the received system identification information" and (2) "the determined geographic location of the portable wireless computing device." Instead, *Short* teaches granting network access based on the **location of the port**, regardless of any system identification information or the location of a computing device. Indeed, network access may be granted during "initial installation" before any device is ever connected to the port. *See id.* at col. 9, ll. 38-45. Therefore, *Short* fails to teach or suggest, "the first access point determining a geographic location of the portable wireless computing device," let alone "the first access point selectively providing network access to the portable wireless computing device based on the received system identification information and the determined geographic location of the portable wireless computing device." Accordingly, Applicants respectfully request reconsideration and allowance of Claims 146 and its respective dependent claims.

Independent Claims 174, 177, 202, 256 and 286-289 include limitations that, for substantially similar reasons are not taught or suggested by the various proposed combinations of the cited references. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 146, 174, 177, 202, 256 and 286-289 and their respective dependent claims.

B. The cited references do not teach or suggest “receiving GPS data from the portable wireless computing device in order to determine the geographic location of the portable wireless computing device”

In addition to the reasons above for allowing Claims 303-311, the cited references do not teach or suggest “receiving Global Positioning System (GPS) data from the portable wireless computing device in order to determine the geographic location of the portable wireless computing device,” as these dependent claims require. *See, e.g.*, Claim 303. As teaching these claimed aspects, the *Office Action* points to Figure 1, items 9, 12a-12d, column 4, lines 33-61, column 18, line 55 and column 20, lines 23-28 of *Sheynblat*. *Office Action*, p. 36. Applicants respectfully submit that it is improper to combine *Sheynblat* with *Meier*, *Garret*, and *Short*. While *Sheynblat* appears to teach the use of “mobile GPS receivers,” *Short* teaches away from location based identification tied to a specific user or host residing at a location. Instead, as discussed above, *Short* teaches “grant[ing] network access to specific location [using a port-location mapping] . . . **rather than [using] a specific user or host residing at the location.**” *Short*, col. 6, ll. 58-61. Moreover, modifying *Short* to use GPS data from the portable device changes the principle of operation of *Short*'s disclosure, which is directed to facilitating location-based network management using port-location mappings. Since the proposed modification to *Short* would change its principle of operation, *Sheynblat*'s disclosure is insufficient to render the claims *prima facie* obvious. *See* MPEP 2143.01. VI (citing *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)). For these additional reasons, Applicants respectfully request reconsideration and allowance of Claims 303-311.

III. No Waiver

All of Applicants' arguments and amendments are without prejudice or disclaimer. Additionally, Applicants have merely discussed example distinctions from the references cited by the Examiner. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's statements. The example distinctions discussed by Applicants are sufficient to overcome the Examiner's rejections.

CONCLUSION

In light of the foregoing, Applicants believe that all currently pending claims are presently in condition for allowance. Applicants respectfully request a timely Notice of Allowance be issued in this case.

If a telephone conference would advance prosecution of this Application, the Examiner may call Mark J. Spolyar, Attorney for Applicant, at 650-739-7511.

No fee is believed to be due. However, the Commissioner is hereby authorized to charge any extra fees and credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
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